

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



**BZA Application No. 18987-B**  
**K Two, LLC**  
**1124-1126 Florida Avenue, NE (Square 4070, Lot 808)**

<b>HEARING DATE (18987):</b>	June 9, 2015
<b>DECISION DATE (18987):</b>	June 16 and July 14, 2015
<b>ORDER ISSUANCE DATE (18987):</b>	July 23, 2015
<b>DECISION DATE (18987-A):</b>	July 26, 2017
<b>ORDER ISSUANCE DATE (18987-A):</b>	August 1, 2017
<b>HEARING DATE (18987-B):</b>	July 24, 2024
<b>DECISION DATE (18987-B):</b>	July 24, 2024

**SUMMARY ORDER ON REQUEST FOR**  
**MODIFICATION OF SIGNIFICANCE**

Pursuant to notice, at its July 24, 2024, public hearing, the Board of Zoning Adjustment (“**Board**” or “**BZA**”) deliberated on a request for modification of significance to BZA Order No. 18987 to include habitable penthouse space and increase the number of dwelling units from 46 to 48 for a five-story apartment house in the MU-4 zone. The Board considered the request for modification of significance under Subtitle Y § 704 of Title 11 of the DCMR (Zoning Regulations of 2016, the “**Zoning Regulations**” to which all references are made unless otherwise specified). For the reasons stated below, the Board **APPROVES** the request for modification.

**ORIGINAL APPLICATION AND TIME EXTENSION.** In Application No. 18987, the Board approved the request by Pierce Investments, LLC for variances under the Zoning Regulations of 1958 from the floor area ratio requirements under § 771 and the rear yard requirements under § 774, to allow the construction of a five-story multi-family building containing 46 units. The Board issued Order No. 18987 on July 23, 2015. (Exhibit 4 of the record for Case No. 18987-B.)

The original Order was extended an additional two years by Order No. 18987-A, issued on August 1, 2017.

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**PROPOSED MODIFICATION.** On April 8, 2024, the Applicant submitted a request for modification of significance to Order No. 18987. (Exhibits 1-7.) The proposed modifications included adding habitable penthouse space and increasing the number of dwelling units from 46 to 48. The Applicant submitted revised plans reflecting these modifications. (Exhibit 17A.)

**NOTICE OF THE REQUEST FOR MODIFICATION.** Pursuant to Subtitle Y § 704.5, the Applicant served the request for modification of significance on the parties to the original application. (Exhibit 11.) The Board referred the application to the appropriate agencies and provided proper and timely notice of the public hearing in accordance with Subtitle Y § 402.1.

**PARTIES.** The parties to this case were the Applicant and Advisory Neighborhood Commissions ("ANC") 5D and 6A.

**ANC REPORT.** ANC 5D's report indicated that at a regularly scheduled, properly noticed public meeting on June 11, 2024, at which a quorum was present, the ANC voted to support the modification. (Exhibit 22.) The ANC report raised no issues or concerns.

ANC 5D03 Commissioner Anna Roblin testified at the public hearing in support of the application.

ANC 6A did not submit a report to the record.

**OFFICE OF PLANNING ("OP") REPORT.** OP submitted a report recommending approval of the modification. (Exhibit 19.)

**DISTRICT DEPARTMENT OF TRANSPORTATION ("DDOT") REPORT.** DDOT did not submit a report to the record.

**PERSONS IN SUPPORT.** The Board received one letter from a neighbor in support of the application. (Exhibit 16.)

**CONCLUSIONS**

Pursuant to Subtitle Y § 704.1, any request for a modification that does not meet the criteria for a minor modification or modification of consequence<sup>1</sup> requires a public hearing and is a modification of significance. The Applicant's request complies with Subtitle Y § 704, which provides the Board's procedures for considering requests for modifications of significance.

As directed by Subtitle Y § 704, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case for a modification of significance.

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<sup>1</sup> See, Subtitle Y §§ 703.3 and 703.4.

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Pursuant to Subtitle Y § 604.3, the order of the Board may be in summary form where granting an application when there was no party in opposition. As a summary order, it does not constitute binding legal precedent on the Board and shall not be considered by the Board in evaluating future applications.

**DECISION**

It is therefore **ORDERED** that this application for a modification of significance of BZA Order No. 18987 is hereby **APPROVED** consistent with the plans shown in Exhibit 17A of the record for Case No. 18987-B, as required under Subtitle Y §§ 604.9 and 604.10, to include habitable penthouse space and increase the number of dwelling units from 46 to 48 for a five-story apartment house in the MU-4 zone.

In all other respects, Order No. 18987 remains unchanged.

**VOTE: 5-0-0** (Frederick L. Hill, Lorna L. John, Carl H. Blake, Chrishaun S. Smith, and Anthony J. Hood to APPROVE)

**BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT**

A majority of the Board members approved the issuance of this order.

**ATTESTED BY:**

  
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**SARA A. BARDIN**  
**Director, Office of Zoning**

**FINAL DATE OF ORDER:** July 29, 2024

PURSUANT TO 11 DCMR SUBTITLE Y § 604.11, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBTITLE Y § 604.7.